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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,364	03/31/2004	Edward K. Y. Jung	SE1-0015-US	1688

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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 12/07/2009

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 10/816,364	Applicant(s) JUNG ET AL.	
	Examiner OLEG SURVILLO	Art Unit 2442	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 14 October 2009 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

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Supervisory Patent Examiner, Art Unit 2455

Continuation of 10. Other (including any explanation in support of the above items):

As to point 1. section heading of section VII at page 21 should only state the word ARGUMENT. Actual contentions of appellant with respect to each ground of rejection presented for review shall be placed under the heading and not listed as part of it.

Section VIII heading at page 83 of the Brief and section IX heading at page 85 of the Brief are not among of the headings outlined in 37 CFR 41.37(c)(1)(i)-(x).

Section headings: APPENDIX A. APPENDIX OF CLAIMS INVOLVED IN THE APPEAL, APPENDIX B. APPENDIX OF EVIDENCE, and APPENDIX C. APPENDIX OF RELATED PROCEEDINGS are incorrect. Appellant is required to amend these section headings to recite: CLAIMS APPENDIX, EVIDENCE APPENDIX, and RELATED PROCEEDINGS APPENDIX, to track express language required by the rules.

As to point 4. appellants did not refer to the specification, as filed, by page and line number. Referring to paragraphs of US-PGPUB is not appropriate. In addition, concise explanation by reference to the specification by page and line number and to the drawings shall follow every claim limitation, and not grouped at the end of the claim, as currently presented.

In addition, appellants are to remove statements such as "support for these claims appears throughout Appellant's application" and "in one instance" as this language is not a part of the claim. Appellants are further requested to clearly separate summarized claims by appropriate sub-headings.

As to point 6. the heading "A. MPEP Standards for Patentability" at page 22 of the Brief, and its sub-headings at pages 23-28, is inappropriate as it does not identify a particular ground of rejection treated under this heading.

Each ground of rejection has not been treated under a separate heading. Instead, appellants treated multiple grounds of rejection under the same heading. As an example, claim 10 has been treated under the same heading as claim 1, wherein claim 1 has been rejected on different grounds as claim 10. Appropriate correction is required for all affected claims.

As to point 7. status identifiers for each of the claims on appeal shall be removed from the claims appendix.